

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act regarding comprehensive emergency management plan components; amending s. 395.1056, F.S., which provides an exemption from public records requirements for those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism and which provides an exemption from public meetings requirements for that portion of a public meeting which would reveal information contained in a comprehensive emergency management plan that addresses the response of a hospital to an act of terrorism; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 395.1056, Florida Statutes, is amended to read:

395.1056 Plan components addressing a hospital's response to terrorism; public records exemption; public meetings exemption.--

(1) (a) Those portions of a comprehensive emergency management plan that ~~which~~ address the response of a public or private hospital to an act of terrorism as defined by s. 775.30

29 ~~and which are held by filed with or are in the possession of the~~
 30 ~~agency, a state or local law enforcement agency, a county or~~
 31 ~~municipal emergency management agency, the Executive Office of~~
 32 ~~the Governor, the Department of Health, or the Department of~~
 33 ~~Community Affairs are confidential and exempt from the~~
 34 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
 35 ~~Constitution. This exemption is remedial in nature, and it is~~
 36 ~~the intent of the Legislature that this exemption be applied to~~
 37 ~~plans filed with the agency before, on, or after the effective~~
 38 ~~date of this section.~~

39 (b) Information made confidential and exempt by this
 40 subsection may be disclosed by a custodial agency to another
 41 state or federal agency to prevent, detect, guard against,
 42 respond to, investigate, or manage the consequences of any
 43 attempted or actual act of terrorism, or to prosecute those
 44 persons who are responsible for such attempts or acts, ~~and the~~
 45 ~~confidential and exempt status of such information shall be~~
 46 ~~retained while in the possession of the receiving agency.~~

47 (c) Portions of a comprehensive emergency management plan
 48 that ~~which~~ address the response of a public or private hospital
 49 to an act of terrorism include those portions addressing:

- 50 1. Security systems or plans;
- 51 2. Vulnerability analyses;
- 52 3. Emergency evacuation transportation;
- 53 4. Sheltering arrangements;
- 54 5. Postdisaster activities, including provisions for
 55 emergency power, communications, food, and water;
- 56 6. Postdisaster transportation;

57 7. Supplies, including drug caches;
58 8. Staffing;
59 9. Emergency equipment; and
60 10. Individual identification of residents, transfer of
61 records, and methods of responding to family inquiries. ~~This~~
62 ~~subsection is subject to the Open Government Sunset Review Act~~
63 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
64 ~~October 2, 2006, unless reviewed and saved from repeal through~~
65 ~~reenactment by the Legislature.~~

66 (2) Those portions of a comprehensive emergency management
67 plan that ~~which~~ address the response of a public hospital to an
68 act of terrorism as defined by s. 775.30 ~~and which are held by~~
69 ~~in the custody of~~ that public hospital are exempt from ~~the~~
70 ~~requirements of~~ s. 119.07(1) and s. 24(a), Art. I of the State
71 Constitution. Portions of a comprehensive emergency management
72 plan that ~~which~~ address the response of a public hospital to an
73 act of terrorism include those portions addressing:

- 74 (a) Security systems or plans;
75 (b) Vulnerability analyses;
76 (c) Emergency evacuation transportation;
77 (d) Sheltering arrangements;
78 (e) Postdisaster activities, including provisions for
79 emergency power, communications, food, and water;
80 (f) Postdisaster transportation;
81 (g) Supplies, including drug caches;
82 (h) Staffing;
83 (i) Emergency equipment; and

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84 (j) Individual identification of residents, transfer of
85 records, and methods of responding to family inquiries. ~~This~~
86 ~~subsection is subject to the Open Government Sunset Review Act~~
87 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
88 ~~October 2, 2006, unless reviewed and saved from repeal through~~
89 ~~reenactment by the Legislature.~~

90 (3) The public records exemptions provided by this section
91 are remedial in nature, and it is the intent of the Legislature
92 that the exemptions apply to plans held by a custodial agency
93 before, on, or after the effective date of this section.

94 (4) That ~~Any~~ portion of a public meeting which would
95 reveal information contained in a comprehensive emergency
96 management plan that ~~which~~ addresses the response of a hospital
97 to an act of terrorism is exempt from ~~the provisions of s.~~
98 ~~286.011 and s. 24(b), Art. I of the State Constitution. This~~
99 ~~subsection is subject to the Open Government Sunset Review Act~~
100 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
101 ~~October 2, 2006, unless reviewed and saved from repeal through~~
102 ~~reenactment by the Legislature.~~

103 (5) ~~(4)~~ The certification by the Governor, in coordination
104 with the Department of Health, of the sufficiency of a
105 comprehensive emergency management plan that addresses the
106 response of a hospital to an act of terrorism is not exempt.

107 Section 2. This act shall take effect October 1, 2006.